

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 103.6, the Electrical Examining Board hereby gives Notice of Intended Action to amend Chapter 502, “Electrician and Electrical Contractor Licensing Program—Licensing Requirements, Procedures, and Fees,” and Chapter 552, “Electrical Inspection Program—Permits and Inspections,” Iowa Administrative Code.

Iowa Code chapter 103 establishes the Electrical Examining Board and assigns it responsibility to establish and operate the statewide Electrician and Electrical Contractor Licensing Program and Electrical Inspection Program and to adopt administrative rules for these programs. The amendments proposed herein are intended to accomplish three things: (1) to clarify the requirements for an electrician to obtain an Iowa license without having to take an examination, based upon the electrician’s being licensed in another state which has entered into a reciprocity agreement with the Iowa Electrical Examining Board, (2) to clarify the circumstances under which issuance of a new or renewal license may be denied based upon the licensee’s failure to pay fees which are due, and (3) to spell out the consequences of failure to pay fees resulting from the modification of a permit for electrical installation work.

Any interested person may comment on these proposed amendments via E-mail to admrule@dps.state.ia.us, by fax to the Agency Rules Administrator at (515)725-6195, or by regular mail to Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Comments should be submitted no later than 4:30 p.m. on April 18, 2012, or may be submitted at the public hearing.

A public hearing to receive comments regarding these proposed amendments will be held during the meeting of the Electrical Examining Board at 10 a.m. on April 19, 2012, in the First Floor Public Conference Room, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa.

The amendments proposed herein are subject to the waiver provisions in rule 661—501.5(17A) which apply generally to rules of the Electrical Examining Board.

Any fiscal impact of these proposed amendments is anticipated to be less than \$100,000 annually.

After analysis and review of this rule making, there should be a positive impact on jobs. This rule making lessens the burden for electricians to enter into Iowa’s market, simplifying the examination process. Further, this rule making should allow Iowans to obtain business in other markets. The Board will continue to work with stakeholders to maximize this rule making’s positive impact on jobs.

These amendments are intended to implement Iowa Code chapter 103.

The following amendments are proposed.

ITEM 1. Amend subrule 502.2(14) as follows:

502.2(14) Reciprocal licensing. A journeyman class A license may be issued, without examination, to a person who holds a license from another state provided that:

a. the ~~The~~ board has entered into an agreement with the other state providing for reciprocal issuance of licenses and that the agreement recognizes the equivalency of the examination required for the license issued by the other state and the examination required for the Iowa license to be issued. ~~The person applying for an Iowa license based on this subrule shall provide a copy of the license from the other state, a completed application for an Iowa license, and the applicable license fee. The board may require additional evidence that the person’s license is current.; and~~

b. The applicant has successfully completed a supervised written examination approved by the other state with a score of 75 or higher in order to obtain the license from the other state; and

c. The applicant holds an applicable license from the other state at the time the application for an Iowa license is filed and has held the applicable license from the other state continuously for one year at the time the application for an Iowa license is filed; and

d. The applicant has submitted:

(1) A completed application for the Iowa license;

(2) A copy of the applicable license from the other state, clearly showing the license number and any other identifying information;

(3) The applicable fee;

(4) The sworn affidavit required under subparagraph 502.2(14)“e”(2), if applicable; and

(5) Any other information required by the board; and

e. The applicant has either:

(1) Completed an approved apprenticeship program; or

(2) Completed 16,000 hours of electrical work while licensed by the other state, as documented by submission of a sworn affidavit signed by the applicant.

ITEM 2. Adopt the following **new** subrule 502.4(6):

502.4(6) The applicant has unpaid fees due to the board which are 120 days or more past due. The license for which the applicant applied may be issued after the fees are paid if the applicant is not otherwise disqualified from obtaining the license.

ITEM 3. Adopt the following **new** subrule 552.2(4):

552.2(4) Modification of permits and failure to pay inspection fees. Inspection fees will normally be paid at the time a permit is obtained. However, additional fees may apply if a permit is modified by an inspector, based upon inspection of the electrical installation. The person who obtained the original permit shall be notified immediately by the inspector of the modification and of the amount of any additional fees which are due. Any additional fees shall be due at the time the person responsible for payment receives notification of modification of the permit.

a. If an additional fee or portion of the fee is more than 60 days past due, the staff of the board shall notify the person responsible for payment of the fee of the necessity of promptly making the payment.

b. If an additional fee or portion of the fee is more than 120 days past due, the secretary of the board may suspend the ability of the person responsible for the payment to obtain inspection permits. The secretary shall restore the person’s ability to obtain permits when payment of the past due amount has been received. Suspension of a person’s ability to obtain permits may be appealed to the board as provided in rule 661—503.4(103).

c. If payment of a fee or portion of a fee is more than 180 days past due, the board may refer the debt for collection to the department of revenue pursuant to Iowa Code chapter 272D.